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The situation in Central America: procedures for the establishment of a firm and lasting peace and progress in fashioning a region of peace, freedom, democracy and development

Letter dated 13 January 1999 from the Permanent Representative of Costa Rica to the United Nations addressed to the Secretary-General

I have the honour to write to you in connection with the letter which His Excellency the Ambassador and Permanent Representative of Nicaragua to the United Nations sent to you concerning agenda item 44 (A/53/685).

With regard to paragraph (b) of this document, my delegation deems it appropriate to make the following clarifications:

1. The Political Constitution of the Republic of Costa Rica of 1949, which is still in force, stipulates in its article 12 that the army as a permanent institution is proscribed, that military forces may be organized only through continental agreement or for the national defence and that they shall always be subordinate to the civil power.

As a country governed by the rule of law, which we are, and out of respect for our laws and our civilian tradition, well known by the international community, we are making it clear once more that in our territory there are no military forces that contravene the above-mentioned constitutional principle and the pacifist spirit of the Costa Rican people as a whole.

With all due respect we declare that the statement made by the distinguished Permanent Representative of Nicaragua in paragraph (b), referred to above, concerning Costa Rica's request for permission "to transport armed Costa Rican soldiers on its vessels along the waters of the river", which we do not doubt stems from an involuntary error on his part, does not reflect Costa Rican reality.

2. As to Costa Rica's freedom of navigation, that is not a concession but a right, grounded in international instruments, the Jérez-Cañas Treaty and the Cleveland Award, whose correct application is the basis of our requests.

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Costa Rica demands only that the two instruments, and the Judgement of 30 September 1916 of the Central American Court of Justice, which stipulates that Costa Rica has a real, perpetual and immutable right of use in relation to navigation on the San Juan River, be respected.

I should be grateful if you would have this clarification circulated as a document of the General Assembly under agenda item 44.

(*Signed*) Bernd **Niehaus**
Ambassador
Permanent Representative